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C O N F I D E N T I A L SECTION 01 OF 02 COLOMBO 002149

SIPDIS

FOR SA/INS AND INR/NESA

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SUBJECT: High profile court case against former defense minister, a relative of the president, moves forward

Refs: Colombo 1427, and previous

(U) Classified by Lewis Amselem, Deputy Chief of Mission. Reasons 1.5 (b,d).

1. (C) SUMMARY: Anuruddha Ratwatte, a former defense minister and relative of the president, was formally indicted on November 15 for the December 2001 murder of ten Muslim campaign workers. Observers portray the case as an example of the government's commitment to overcoming a history of impunity for well-known personalities. The case also highlights the spectacular fall from grace of someone who was once one of Sri Lanka's most important men. END SUMMARY.

2. (SBU) A high profile court case involving Anuruddha Ratwatte, a former defense minister and a close relative of President Kumaratunga, commenced under a specially constituted trial-at-bar on November 15, 2002. (Note: A trial-at-bar replaces a jury with three high court judges who will hear the case. The decision to use a trial-at-bar is intended to accelerate the hearing and to prevent undue influence of jurors.) Ratwatte, his two sons Chanuka and Lohan, and 11 others were indicted on charges of murder, conspiracy and unlawful assembly. The indictments stem from the December 5, 2001, election day murder of 10 campaign workers working for the Sri Lanka Muslim Congress. The incident took place just outside of Kandy in the central Sri Lankan village of Udathalawinna. Ratwatte and 12 of the other men indicted, including his two sons, were each released on payment of bail of Sri Lankan Rupees 500,000 (almost USD 5,400) (one defendant did not receive bail). (Note: Ratwatte was briefly jailed earlier this year in this case, but was released after two months upon payment of bail -- See Reftels. He spent most of that time in a prison hospital.)

3. (C) Commenting on the case, Kethesh Loganathan, of the Center for Policy Alternatives, a local think tank, told us that the indictments were a sign of the government's effort to overcome a history of impunity for politicians. Desmond Fernando, a respected human rights attorney, concurred with that assessment. He stressed that the government had encouraged a thorough investigation and that the police and Attorney General's office have been able to develop a case against the defendants based on law and not politics. (Note: In the past, many members of the People's Alliance, Ratwatte's party, have claimed that Ratwatte's trial is political in nature, despite strong evidence to the contrary.)

4. (C) Other contacts were more reserved in their praise. While noting that the GSL's efforts seemed positive as of this point, M.C.M. Iqbal, a consultant to the GSL's Human Rights Commission, said he was concerned that the government might drop the case in the end due to political pressure. Iqbal said he believed that the government was partially forced into pushing the case due to the pressure from the Muslim community. (Note: The murders sparked demonstrations by Muslims throughout Sri Lanka after the December election and led to several days of nationwide curfews.) In addition, he thought there was a chance that Ratwatte would not be found guilty. Iqbal said he believed that the eyewitness accounts should be enough to convict the men that actually pulled the triggers and Ratwatte's sons, but that the government may not be able to prove the conspiracy that the elder Ratwatte is accused of.

5. (C) COMMENT: It is positive that the government is moving forward with the case. In the past, many cases involving high profile personalities in Sri Lanka have been dropped. In this case, the GSL seems intent on trying to overcome its culture of impunity. Regardless of the outcome, if the case is decided on legal merit alone -- and it appears that the case against Ratwatte may be difficult to prove -- it is a positive step in combating impunity.

6. (C) The case also highlights the spectacular fall from grace of someone who was once one of Sri Lanka's

most important men. Throughout much of the 1990's, Ratwatte -- working closely with President Kumaratunga -- was in charge of the military effort against the Tamil Tigers. In that role, aside from a decidedly mixed record in the conflict with the Tigers, Ratwatte was often accused of overlooking human rights violations by his troops and enriching himself at government expense. He was also Kumaratunga's premier political strategist, a role he can no longer fulfill because of the court case. END COMMENT.

WILLS